

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:15-CR-00099(1)-ADA
	§	
(1) ROBERT DWAIN MERRITT	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On 47 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) ROBERT DWAIN MERRITT, which alleged that Merritt violated a condition of his supervised release and recommended that Merritt's supervised release be revoked (Clerk's Document No. 47). A warrant issued and Merritt was arrested. On February 21, 2025, Merritt appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Merritt appeared before the magistrate judge on March 18, 2025, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on March 18, 2025, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on

the original offense and the intervening conduct of Merritt, the magistrate judge recommends that this court revoke Merritt supervised release and that Merritt be sentenced to imprisonment for NINE (9) months, with credit for time served, and with a term of SIXTY (60) months of supervised release to follow the term of imprisonment. The Court further RECOMMENDS that Defendant be placed in a Federal Bureau of Prisons location near Waco, Texas (Clerk's Document No. 62).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On March 18, 2025, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 61). The court, having reviewed the entire record and finding no plain error, accepts


and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 62) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) ROBERT DWAIN MERRITT's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) ROBERT DWAIN MERRITT be imprisoned for NINE (9) months, with credit for time served, and with a term of supervised release of SIXTY (60) months to follow the term of imprisonment. All prior conditions of supervised release are reimposed. The Court further RECOMMENDS that Defendant shall be placed in a Federal Bureau of Prisons location near Waco, Texas.

Signed this 26th day of March, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE